THOUGHTS

ON SUCH

PENAL RELIGIOUS STATUTES

AS AFFECT THE

PROTESTANT DISSENTERS;

Moſt reſpectfully ſubmitted to the Conſideration of the

HONOURABLE PROMOTERS OF THE BILL

IN FAVOUR OF

PROTESTING ROMAN CATHOLICS.

By WILLIAM PARRY.

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THOUGHTS

ON

Penal Religious Statutes, &c.

SECTION I.

THE wiſdom of the preſent Parliament hath thought proper to introduce a Bill in favour of proteſting Roman Catholics; a meaſure in which both ſides of the Houſe are united, and in which every *conſiſtent* friend to toleration will rejoice. When an alteration, ſo favourable to liberty, is made *in the Conſtitution*, and relief is granted to one deſcription of ſubjects, who have long been proſcribed and oppreſſed, it may not be improper to ſubmit to the conſideration of the Honourable promoters of the Catholic Bill, and of the Public, an examination of the Penal Statutes which are ſtill in force againſt another deſcription of Britiſh ſubjects, the Proteſtant Diſſenters, and the propriety of *their* repeal. Candid and impartial men, however divided in their political or religious ſentiments, will not

be diſpleaſed at ſuch an examination, if conducted with moderation and decorum, on the principles of truth and juſtice, and with that deference and reſpect which are due to Legiſlative authority.

The appearances of things are often fallacious, and lead men to concluſions, which have no foundation in facts. Under the *mild auſpices* of the Houſe of Brunſwick, and through the lenient ſpirit which has prevailed in the preſent century, Proteſtant Diſſenters have *actually* enjoyed a large degree of religious liberty. The execution of thoſe perſecuting laws, by which their anceſtors were haraſſed, has grown obſolete, and their enjoyment of liberty has been nearly as undiſturbed and complete as if ſuch laws *had been* repealed. This *actual liberty* has deceived many *amongſt them* into an opinion, that, as to religion, they were under no reſtraints; and has led *others* to conclude haſtily, that Proteſtant Diſſenters enjoyed a *legal* and *full* Toleration. But it will be found on examination, notwithſtanding the mildneſs of Government, of which Proteſtant Diſſenters entertain a grateful ſenſe, that many *grievous* and *perſecuting* ſtatutes are ſtill in full force againſt them, from which many amongſt them have no *legal relief* by the Act of Toleration paſſed in the reign of William III. or the revival of it in the *preſent* reign.

It is painful to a generous mind, becauſe it is degrading to human nature to recall the imperfections of former times, or drag into public view thoſe meaſures which had their origin in the miſguided zeal and prejudices, the ignorance and bigotry, or the barbariſm and intolerance of our anceſtors. Nevertheleſs, ſuch an attempt may be uſeful, as it may ſhew the expedience of a general reviſal of all the penal laws reſpecting religion, and of *extirpating* them as a *national diſgrace*, from the Statute Book.

By a clauſe in the act of Toleration, every Proteſtant Diſſenter is required, at a General Seſſions of the Peace, held for the county or place where he lives, to take the oaths of allegiance and ſupremacy, and ſubſcribe the declaration againſt popery, *to entitle him to the benefit* of the ſaid act. Many Proteſtant Diſſenters are unacquainted with this clauſe; and, however it might be obſerved near the time when the act paſſed, a compliance with it has not been *impoſed*, and is generally neglected. Were the obſervance of it to be revived, it would create immenſe trouble to the Juſtices of the Peace, if every Diſſenter throughout England were to certify his diſſent at a Quarter Seſſions, and oblige the Court to regiſter, and give a certificate of the ſame, according to the ſtatute. Yet, every Proteſtant Diſſenter who is not *ſo regiſtered* is not *legally* tolerated. The liberty

he poſſeſſes, is only by *connivance*, and he is ſtill, *in law*, expoſed to the ſtatutes againſt Non-conformity. It is true, that upon compliance with the above clauſe in the act of Toleration, all proceſs againſt him under the penal laws would be ſtopped, yet much trouble and vexation might be previouſly cauſed by them.

How oppreſſive and ſevere our penal religious ſtatutes are, will appear by a brief ſtatement of them, from any of the law books. Unregiſted *Lay* Diſſenters are liable, according to Burn, to the following penalties for their non-conformity, which might be the occaſion of much diſtreſs, if any change ſhould ever take place in the temper of the times, favourable to perſecution. By the 1 of Eliz. c. 2. ſ. 14. Every perſon not having reaſonable excuſe, ſhall reſort to their pariſh church or chapel, or ſome other place where common prayer ſhall be uſed, on *every* Sunday and holiday, on pain of puniſhment by the cenſures of the church, or of forfeiting for every offence 12d. The forfeiture to be levied by the churchwardens. By the 23 of Eliz. c. 1. Every perſon above the age of ſixteen years, who ſhall not repair to ſome church or chapel, or uſual place of common prayer, ſhall forfeit for every month TWENTY POUNDS. And if he ſhall forbear for twelve months, he ſhall be bound to his good behaviour till he conform. By the 29 of Eliz. c. 6. Every offender in not

repairing

repairing to church, having been once convicted, ſhall, without any other indictment or conviction, pay half-yearly into the Exchequer TWENTY POUNDS for *every month* afterwards, until he conform; which if he omit to do, the King may ſeize *all* his goods, and *two* parts of his lands. And by the 3 of J. c. 4. The King may refuſe the twenty pounds a month, and take two parts of the land, at his option. By the ſame ſtatute, churchwardens neglecting to preſent at the ſeſſions once a year, the monthly abſence of *all recuſants*, and the names and ages of their children and ſervants, are liable to a penalty of twenty pounds. By the 3 of J. c. 5. No recuſant in not repairing to church, being convicted thereof, ſhall enjoy any public office, or ſhall practiſe law or phyſic, or be executor, adminiſtrator, or guardian. By the 35 of Eliz. c. 1. If any perſon refuſing to repair to church, ſhall be preſent at any aſſembly, meeting, or conventicle, under pretence of any exerciſe of religion, he ſhall be *impriſoned* till he conform; and if he ſhall not conform in three months, he ſhall abjure the realm; which if he ſhall refuſe to do, or after abjuration ſhall not go, or ſhall return without licence, he ſhall be guilty of *felony* without benefit of clergy. And whether he ſhall abjure or not, he ſhall forfeit his goods, and ſhall forfeit his lands

during life. And by the 22 Ch. II. c. 1. If any perſon being ſixteen years of age, ſhall be preſent at any conventicle or meeting, under pretence of any exerciſe of religion, in other manner than according to the liturgy and practice of the church of England, at which there ſhall be five perſons or more aſſembled, beſides thoſe of the houſhold, if it be in an houſe where there is a family; or if it be in a houſe, *field*, or place where there is no family, is liable to a fine of five ſhillings for the firſt offence, and for every other offence ten ſhillings, to be levied by diſtreſs. Juſtices of the Peace neglecting to execute this act are ſubject to a penalty of 100l. and are impowered to enter by force any place where ſuch meetings are held, and even to call the military to their aſſiſtance. Every perſon ſuffering ſuch meeting in his dwelling-houſe, or in any of his out-houſes, forfeits twenty pounds. And the 13 ſec. of this ſtatute directs, that the act ſhall be conſtrued moſt *largely* and *beneficially*, for the *ſuppreſſing* of conventicles, &c. and no proceedings thereupon are to be *impeached for want of form*. *Upon this ground*, conviction was affirmed about four years ſince, againſt S. Hall, of Heckington, in the county of Lincoln, who had been previouſly convicted, before Richard Brown, Eſq. in the penalty of twenty pounds, under the Conventicle Act, for a meet-

a meeting held in his houſe on the 2d of March, 1786.

The laity amongſt Proteſtant Diſſenters are alſo deprived of *eligibility* to office by the Corporation and Teſt Acts, and are liable, ſhould they accept them, to dreadful penalties. This ſubject has undergone ſuch *ample* diſcuſſion, that nothing need be here ſaid concerning it, unleſs it be, that the reaſons which may be brought againſt penal *religious* ſtatutes, apply in their *full force* to thoſe acts, becauſe by them good citizens are deprived of ſome of the common rights of ſubjects, *merely* on account of *their religion.*

The obſolete penal laws againſt Proteſtant Diſſenting Miniſters, are not leſs ſevere than thoſe which affect the laity. By the 17 of Ch. II. c. 2. No perſon who ſhall take upon him to preach in any meeting or conventicle, ſhall, unleſs only in paſſing upon the road, or unleſs required by any legal proceſs, come within five miles of a city, town corporate, or borough, without taking an oath of allegiance therein mentioned, on pain of 40l. and two juſtices, on oath of the offence, may commit him for ſix months. By the 22 of Ch. II. c. 1. If any perſon ſhall take upon him to preach or teach in any meeting or conventicle, in other manner than according to the practice of the church of

England, he ſhall forfeit for the firſt offence 20l. and for every other offence 40l. In caſe he be a ſtranger, or unable to pay, thoſe ſums may be levied on the goods of *any* perſon preſent. And by the 13 & 14 of Ch. II. c. 4. ſ. 14. No perſon ſhall preſume to conſecrate and adminiſter the ſacrament, before he be ordained prieſt, according to the form and manner of the church of England, on pain of 100l. By the 19 of Geo. III. c. 44. Every Proteſtant Diſſenting Miniſter is exempted from the penalties of theſe ſtatutes, *who ſhall*, at a Quarter Seſſions, take the oaths of allegiance and ſupremacy, and make and ſubſcribe the declaration contained in the ſaid act. Proteſtant Diſſenting Miniſters have no objection to take the oath of allegiance, or give any other reaſonable ſecurity, for their fidelity to the ſtate. There are, however, difficulties of another nature, which prevent a very large number of them from qualifying according to the late act, whereby they are kept from the enjoyment of *legal* liberty, which the *goodneſs* of the Legiſlature intended by that act to afford them.

The form of the oath of *ſupremacy* is inconſiſtent with the *preſent* ſtate of the laws reſpecting *popery*. And it is worthy of particular conſideration, whether *any Proteſtant*, be he a Diſſenter or a Conformiſt, can *now* take that oath con-

conſiſtently with *truth* and a good conſcience. In its preſent form, the perſon taking it ſolemnly ſwears, that " No foreign prince, perſon, pre-" late, ſtate, or potentate, *hath*, or ought to " have, any juriſdiction, power, ſuperiority, " pre-eminence, or authority, eccleſiaſtical or " *ſpiritual*, within this realm." The clauſe, " *Hath* or ought to have," is evidently intended to declare, that the Pope, neither *hath in fact*, nor ought to have *in right*, any ſuch power or authority. But is it not a *fact*, that the ſpiritual authority of the Pope is now exerciſed reſpecting the Roman Catholics in England? Is not that exerciſe of his ſpiritual authority allowed, and even *recogniſed*, as to *them*, by the late alterations of the laws in their favour? Are they not protected, in an open acknowledgment to *his* ſpiritual authority, while they reject his temporal power? And does not the oath of ſupremacy therefore, in denying that he *hath* any ſpiritual authority in the realm, aſſert what is *now* falſe? To many perſons this appears to be the caſe. Would it not then become the wiſdom of the Legiſlature to new model the oath of ſupremacy, in conformity to the *preſent ſtate* of the laws relating to popery?

But Proteſtant Diſſenting Miniſters have more ſerious difficulties than that now ſtated, which prevent them from complying with the preſent

preſent terms of Toleration. They conſider the qualification required *as implying* an acknowledgment of the *right* of civil governors to interfere in matters of religion and conſcience, and to preſcribe who ſhall, or ſhall not, inſtruct their fellow-creatures in the principles and duties of the Chriſtian religion. The acknowledgment of ſuch a right they conſider as a denial of their great and leading principle, that Jeſus Chriſt poſſeſſes the *ſupreme* and *ſole* authority in his church. This principle is the foundation of their diſſent. They conſider his kingdom as not of a worldly nature; and if they acknowledge a right in the powers of this world, to rule in the affairs of *his* kingdom, they *give up the ground* on which their whole nonconformity is built, and forfeit, as they apprehend, their fidelity and allegiance to HIM whom they own as their *only ſpiritual* Legiſlator. This difficulty in the way of qualifying, however it may appear to others, is in their view *great* and *important*. Many of them, therefore, remain unqualified, and conſequently are obnoxious to the old penal laws.

Such a difficulty does not indeed affect thoſe who qualify only as Proteſtant Diſſenting *Schoolmaſters*. Yet they may be now prevented, by the ſcruple before ſtated, as to the oath of ſupremacy. Every unqualified Diſſenting School-

maſter

maſter is liable, by 23 of Eliz. c. 1. to forfeit 10l. a month, and be impriſoned a year, to 40l. penalty by the 17 C. II. c. 2. and to three months impriſonment, and a forfeiture of 5l. for the ſecond and every other offence, by the 13 and 14 Ch. II. c. 4. In addition to theſe penal laws it ſhould not be forgotten, that every perſon, whether a Diſſenter or of the Eſtabliſhment, who denies and oppoſes, by ſpeaking or writing, the doctrine of the Trinity, is, by the 9 and 10 of William the Third, rendered incapable of any office, eccleſiaſtical, civil, or military; diſabled from being plaintiff, guardian, executor, or adminiſtrator, and from taking any legacy, and liable to *three years* impriſonment!

Such are the principal penal ſtatutes in matters of religion ſtill in force, and by which Proteſtant Diſſenters are, at leaſt, *liable* to be aggrieved. If the *nature* and *tendency* of *ſuch laws* be examined on the principles of reaſon, humanity, juſtice, religion, and ſound policy, it will probably be found, that the *repeal* of them is, on all theſe grounds, expedient for the *public* good, and our national honour.

SECT. II.

WITHOUT entering at large into the arguments for Toleration, which have been ſo often urged by its able advocates, a few conſiderations

tions will evince, that laws, intended to *force* conſcience, and *compel* men to a conformity with the eſtabliſhed religion of a ſtate, are contrary to the dictates of *reaſon*. If there be a *right* belonging to man, either in his *natural* or *ſocial* capacity, which above all others is *eſſential* and *unalienable*, it is that of *private judgment*. It ariſes from the very conſtitution of his nature, as a rational and accountable creature, and is *inſeparable* from it. Every man *feels* that he poſſeſſes it, and cannot diveſt himſelf of it if he would. If he thinks at all, he cannot avoid believing what appears to him to be true, whether it may accord with the judgment of others or not. The human mind is ſo formed, as to be convinced by evidence and arguments, and cannot receive a conviction of truth by any other means. How abſurd the attempt, therefore, *authoritatively to impoſe* upon it articles of faith, or rites of worſhip? Men's views in religion, as well as in other matters, are influenced, and in a great degree formed by the circumſtances in which they are placed, their education, modes of life, the books they read, and the company with which they converſe. In a great nation *theſe* muſt be infinitely diverſified—and a great *diverſity* of ſentiment muſt be the neceſſary effect. To what end then ſhall a government dictate to the whole nation what they

ſhall

ſhall believe, and practiſe in religion; or ſubject any to pains and penalties, if, upon enquiring for themſelves, their religious opinions and practices ſhould happen to differ from the public ſtandard. Fines and impriſonments may deſtroy the *virtuous*, and make hypocrites of the *unprincipled*, but they cannot enlighten the judgment, convince the conſcience, or amend the heart.

If uniformity of faith and worſhip, amongſt all the inhabitants of a kingdom, were deſirable, the acquiſition of this object ſhould be ſought by means more rational, and better ſuited to the nature of the human mind than penal laws can be. If men wiſh to convince others on any ſubject, reaſon dictates that they ſhould *argue*, ſtate the propoſitions, produce evidences in ſupport of them, preſent theſe to the view of their minds, perſuade them to attend to the evidence, to exerciſe their own underſtanding, and judge for themſelves. But it *does not* dictate, that we ſhould impoveriſh their pockets to enrich their underſtandings, or confine their bodies in priſon, to ſet them at liberty from the prejudices of their minds. If a member of the Romiſh church really thinks that the Pope, adorned with his triple-crown, and arrayed in all his pontifical robes, looks *exactly* like Simon Peter in his fiſher's coat, a Proteſtant may pity him for

for the unhappy prejudices of his education, and, conſiſtently with reaſon and benevolence, may endeavour, by argument, to convince him there is no reſemblance between them. But, if this method fails, why ſhould he perſecute the Roman Catholic? He will not ſee more clearly in a *priſon*, nor will the *darkneſs* of a dungeon enable him to diſtinguiſh betwixt the *dignified* Pontiff and the *humble* Apoſtle. In like manner, if a Proteſtant Diſſenter really cannot find dioceſan biſhops and archbiſhops, archdeacons, deans, prebendaries, and canons, conſiſtorial courts, lay-chancellors, and all the forms, articles, and ceremonies of the church of England, *in his New Teſtament*, why ſhould he, on that account, be made the prey of *rapacious* informers and *ſanguinary* laws? Why ſhould he be liable to have his goods confiſcated, and his perſon torn from all his ſocial connections, for the ſtrength or the weakneſs of his mind? "He has wronged no man, he has "corrupted no man, he has defrauded no man." Would it not be more conſiſtent with his nature, as a reaſonable being, and more *honourable* to religion, to ſhew him the parts of the *New Teſtament* where theſe things are to be found, or endeavour, by juſt reaſoning, to convince him, that they are all deducible from it, and ſupported by it. If ſuch means be not at hand,

hand, or ſhould fail to produce a change in his ſentiments, he muſt be given up as an incorrigible ſchiſmatic, for the laws againſt nonconformity, although they might deprive ſociety of an *uſeful* member, and the Crown of a *loyal* ſubject, would never make him a *ſincere* convert.—Reaſon then condemns ſanguinary ſtatutes, to enforce national uniformity in religion as *abſurd means*, ill adapted to promote an end which could *never* be accompliſhed. Yet at the ſhrine of this idol, *uniformity* of *faith and worſhip*, were offered up the peace and happineſs of theſe kingdoms for near two centuries! The attempt of bringing to paſs ſuch uniformity, has, indeed, long ago been given up; why then ſhould not the laws, which brought hecatombs to the altar of this fair idol, be repealed.

SECT. III.

PENAL STATUTES, in matters of religion, can no more be reconciled with the principles of *humanity* than of reaſon. Humanity is that *amiable* diſpoſition of the heart which inclines us to prevent, commiſerate, and relieve the woes of others, and binds man to his fellow-man. Humanity in individuals forbids them, unleſs on a very neceſſary and unavoidable occaſion, to cauſe pain or diſtreſs to a fellow-creature. Humanity in ſtates requires, that the code of criminal law

be as lenient, as may conſiſt with the ſafety and good order of civil ſociety. How repugnant then to *humanity* muſt be ſuch laws, as render *peaceable* and orderly ſubjects of the ſtate liable to pains and penalties, merely for their religious opinions? How inconſiſtent is it with this bright ornament of our nature, to deprive *uſeful* and *virtuous* citizens of the common rights of ſubjects, or expoſe them to want, famine, and the horrors of impriſonment, for no other reaſon than becauſe they ſincerely worſhip the benevolent Parent of the univerſe, in that way which they think to be *moſt acceptable* to him.

If the tear-fraught eye of humanity could behold the *ſcenes of miſery*, which *have been* cauſed by our penal religious ſtatutes, how *greatly* would ſhe be ſhocked? Look into that damp and dreary cell, through the narrow chink, which admits a few ſcanty rays of light, to render viſible to the wretched his abode of woe. Behold, by the glimmering of that feeble lamp, a priſoner, *pale* and *emaciated*, ſeated on the humid earth, and purſuing his daily taſk, to earn the morſel which prolongs his exiſtence and confinement together. Near him, reclined in penſive ſadneſs, lies a *blind* daughter, compelled to eat the bread of affliction, from the hard earning of an impriſoned father! Paternal affection binds her to his heart, and filial gratitude has

has long made her the *daily* companion of his captivity. No other ſolace remains to him, ſave the *mournful one* ariſing from the occaſional viſits of five other diſtreſſed children, and an affectionate wife, whom pinching want and grief have worn down to the gate of death. More than ten ſummer's ſuns have rolled over the ſtone-rooſed manſion of his miſery, whoſe reviving rays have never *once penetrated* his ſad abode. " Seaſons return," but not to *him* returns the cheering light of day, the ſmiling bloom of ſpring, or ſound of human joy! Unfortunate captive! What is his guilt, what his crimes? Is he a traitor, or a parricide? A lewd adulterer, or a vile incendiary? No, he is *a chriſtian ſufferer!* Under all his calamities peace reigns in his breaſt, heavenly hope gliſtens in his eye, and patience ſits throned on his *pallid* cheek. He is none other than honeſt John Bunyan, languiſhing through the *twelfth* year of his impriſonment in Bedford jail, for teaching plain country people the *knowledge* of the ſcriptures, and the *practice of virtue!!!*—— It requires the *energy* of Fox, the *eloquence* of Burke, and the *pathos* of Sheridan, to paint the effect of ſuch a ſcene on the feelings of HUMANITY: My feeble pen drops from the taſk, and leaves *ſenſibility* to *endure* thoſe ſenſations of

compaſſion and ſorrow, which it fails to deſcribe.

Such, however, were the ſcenes which *actually* took place in this land of liberty in the laſt century; and, if they have not been repeated in the preſent, it is not becauſe the ſanguinary ſtatutes which were the cauſe of them are repealed, but owing to the milder genius of the *preſent* government, and the liberal ſpirit of the times, which have *ſuſpended* their execution. Why ſhould not the ſame cauſes operate farther, to their *repeal?*

Motives of *humanity*, as well as others, might induce the Legiſlature to adopt ſuch a meaſure. Great as is the *actual* liberty of Diſſenters, it has not a *legal* ſecurity; and, mild as is the *preſent* Government, there is no certainty that every *future* Prince, or *future* Adminiſtration, will be equally tolerant. What has taken place, may revolve, and occur again, in the courſe of human affairs. Future times may ſee future ſtateſmen, and biſhops of the ſame temper and ſpirit as Clarendon, Sheldon, and Gunning were, in the laſt age. Is it then *too great a boon* for the humanity of the Legiſlature to ſecure to the Proteſtant Diſſenters that religious liberty which it has long ſuffered them to enjoy by *connivance*, and relieve *them* from that anxiety which cannot be wholly removed while the

penal ſtatutes againſt them are continued in force? Or, has the conduct of *Proteſtant* Diſſenters towards the preſent Government, and reigning Family, poſſeſſed *no* merit, which may be thought to entitle them to ſuch a grant, at a ſeaſon when farther relief and toleration are given to the Roman Catholics?

SECT. IV.

If, however, humanity did not operate in favour of ſuch a repeal, the *higher* claims of Justice would. The exiſtence and perpetuity of penal ſtatutes reſpecting religion, are inconſiſtent with *juſtice*. Religion being a *perſonal* concern, *juſtice* requires, that every man ſhould be left at full liberty to judge for himſelf reſpecting it. Nothing upon earth is *infallible*, except the ſcriptures. It is at leaſt *poſſible*, that men may be miſled by national creeds, and public formularies, as much as by private ſpeculations. Yet every man muſt *perſonally* abide the *eternal* conſequences of his religion, whether it be good or bad, falſe or true. In a matter of ſuch *vaſt*, and *endleſs* importance, he ought then to be left *free* to exerciſe his underſtanding and conſcience in the beſt manner that he is able. Human authority and power ought not to *impoſe*, or have any influence *here*; be-

cauſe it is impoſſible that they ſhould be anſwerable to *individuals* for the conſequences. Every man, therefore, ſhould be permitted to examine and judge for himſelf, and ſeek his ſalvation, in that way which appears to him right. But penal religious ſtatutes tend to deprive men of the right of private judgment, *fetter* and *cramp* them in the exerciſe of it, and *puniſh* them on that account. They are, therefore, evidently *inconſiſtent* with the *moſt obvious* dictates of juſtice.

The obligations of this immutable rule of action requires, that men ſhould not *injure* the rights of others, in the exerciſe of what *they apprehend* to be their own rights. If, therefore, the government of any ſtate, ſupported in the meaſure by the *majority* of the people, thinks proper to *eſtabliſh* any form of religion, it ought to be with *full liberty of diſſent*, to thoſe who do not approve of it. For, to *oblige* men to conform to the religion of a ſtate, againſt the dictates of their conſciences, or ſubject them to legal incapacities and puniſhments for their non-conformity, is to take away from them the *firſt* and *deareſt* of all their rights, that of *private judgment*. Yet, on this unrighteous baſis, ſtand all the obſolete laws againſt non-conformity. An eccleſiaſtical eſtabliſhment therefore, *without a toleration*, muſt, in all caſes, be an eſtabliſh-

eſtabliſhment of *eccleſiaſtical tyranny*. And as juſtice requires toleration, ſo it ought to be *full* and *complete* toleration; for, in proportion as it is partial and defective, in the ſame degree the legiſlative ſyſtem *infringes* on the *unalienable rights* of men, and *departs* from the *eternal* obligations of juſtice.

JUSTICE requires, that men who are guilty of *no crime*, *ſhould not* be made ſubject to *puniſhment*. But, to think and act for themſelves in matters of religion, if it be not meritorious, is certainly in itſelf *no crime*. It is true, that the exerciſe of private judgment in religious concerns, may be, and often has been decreed *criminal*, by *human laws*. But the laws of men cannot alter the *nature of moral actions*, or make that to be *wrong* which is in itſelf *eſſentially right*, or that to be *right* which is in itſelf *eſſentially wrong*. Much as we have heard of the *omnipotence* of Parliaments, and *ſupreme* as their legiſlative authority, in all things which reſpect the ſafety and government of *civil* ſociety *ought* to be, they neither poſſeſs, nor have ever claimed, a power of altering *moral* obligations. Morality and juſtice are things, in their own nature, *eternal* and *unalterable*, and cannot be changed by the vote of any aſſembly upon earth, however ſage and venerable. If it be *not criminal*, therefore, that men ſhould judge for themſelves

ſelves in things which reſpect their ſouls and their ſalvation, laws which would puniſh them for the exerciſe of their *private judgment*, muſt be moſt manifeſtly *unjuſt*. And ſuch are all the penal laws againſt non-conformity. They were enacted to puniſh men for that which is *confeſſedly* no crime, which is indeed the *firſt* prerogative of human nature! However ancient therefore ſuch laws may be, or however wrought into the Engliſh conſtitution, juſtice demands that they ſhould be repealed, and caſt out of it, as parts which never were its *ornaments*, and have long been its *diſgrace*.

JUSTICE requires, that men ſhould not be puniſhed for their opinions or ſentiments, but for their *criminal actions* only. The overt acts of men are the *only* proper objects of criminal law; and if laws are made to puniſh them for bad opinions or intentions, before they appear in overt acts, againſt the *peace* of ſociety, a door is opened to every ſpecies of perſecution and oppreſſion. To think differently from eſtabliſhed creeds, to ſpeak and write in ſupport of private religious opinions, or aſſemble in a peaceable manner, and worſhip God, otherwiſe than according to preſcribed forms, are not overt acts againſt the *peace* or *well-being* of ſociety. For, although by the alchymy of penal laws, and the rhetoric of indictments, ſuch

ſuch actions may have been changed into crimes, and conſtrued into attempts, *vi et armis*, againſt the *peace* of our Sovereign Lord the King, yet nothing can be plainer to the common ſenſe of mankind, than that *theſe* are *innocent actions*, which no way *diſturb* or *injure* the peace of ſociety. Accordingly, they are now, under *certain conditions*, allowed and permitted, by the act of Toleration. Yet, the whole artillery of penal religious ſtatutes is levelled againſt men's opinions, and directed and deſigned to puniſh them, either for their ſentiments and intentions *only*, or for ſuch actions as are in themſelves *innocent* and *juſt*.—Such reaſoning as ſhews that men ought not to be puniſhed by *preventive* laws, or for any thing but overt acts, applies, undoubtedly, to the caſe of the Roman Catholics, as well as that of *Proteſtant* Diſſenters, and ſhews, that the whole ſyſtem of laws againſt them has proceeded upon an unjuſtifiable principle. Accordingly, it has been heard reſpecting *them*, by the Legiſlature, and the laws altered in their favour. Why ſhould not ſimilar alterations be made reſpecting *Proteſtant* Diſſenters?

Justice farther requires, that in all caſes of criminal proceſs, the puniſhment ſhould be *proportioned* to the offence. But, what *juſt* proportion is there, between heavy fines, confiſca-

tion of goods, and impriſonment, and the *harmleſs* action of worſhipping God, according to the dictates of a man's conſcience? Many actions, which have a pernicious influence on ſociety, have no puniſhment affixed to them, in our code of criminal law; while *this*, which tends to make a man a *more virtuous* citizen, has ſuch *ſevere* penalties annexed to it, by the old religious ſtatutes. If a company of Bacchanalians aſſemble to offer copious libations to the god of wine, and mix their orgies with ſuch *lewd* and *profane* converſation, as mutually contaminates their minds, confirms them in vice, and ſends them from their nocturnal revels, fit only to *pollute* and *injure* mankind, no puniſhment, *adequate* to the *ill conſequences* of *ſuch* actions to ſociety, is provided by our laws. But, if more than five ſober chriſtians, above ſixteen years of age, ſhould aſſemble at a neighbour's houſe, which was not licenſed as a place of worſhip, ſhould ſpend the evening in *rational* converſation, on moral and religious ſubjects, conclude their meeting with an extemporary prayer delivered by one of them, for the favour of Heaven on themſelves, their *King*, their country, and all mankind, and go away with their hearts confirmed in every moral and virtuous diſpoſition, to *improve* and *bleſs* ſociety, by their good conduct and example; *this*, in the eye

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of our criminal law, would be *iniquity puniſhable by the Judge*; and the parties would *now* be liable to the penalties of the Conventicle Act. Can *this* be JUST? Is this a law fit to exiſt in a *Chriſtian* country? Can laws, formed upon ſuch principles, be worthy of *preſervation?* Ought they not rather to be repealed, for the credit of *public juſtice*, and the *honour* of our national character?

SECT. V.

IF penal religious ſtatutes are, as above repreſented, inconſiſtent with the *plaineſt maxims* of juſtice, how muſt they appear, when examined on the principles of religion, and compared with the *benevolent* ſpirit of Chriſtianity? By Chriſtianity is not here intended *any* human eſtabliſhments of it, but pure Chriſtianity, as it is delineated in the writings of the New Teſtament. Blended with human corruptions, and confounded and loſt amongſt the prejudices and ſuperſtitions of mankind, its *native* benevolence and glory have been *often* obſcured; and ſomething, under the *ſame name*, but of a *different* genius, *ferocious* and *cruel* in aſpect, and *formidable* in power, has long ago ſtalked forth, and ſpread devaſtation and terror amidſt the nations of the earth. But *pure* Chriſtianity, as it appears in the diſcourſes of Jeſus Chriſt, and in the

the preaching and writings of his Apoſtles, wears the moſt *mild* and *amiable* features. Its genius and ſpirit are ſuited to the qualities of the human mind, calculated to enlighten, convince, and reclaim mankind. It is deſigned to lead men, through the knowledge of Divine truth, to the enjoyment of peace and hope, and the practice of the moſt *pure* morality, and *ſublime* virtue. For this purpoſe it ſtates propoſitions and arguments, preſents the evidence of truth to our minds, and commands us to believe and obey, not on the *credit* of *human* authority, or through the *terror* of *human* laws, but upon the moſt rational, convincing, and certain of all evidence, the *teſtimony* of God. By ſuch means it was at firſt propagated by the Apoſtles of Chriſt. *They* had no penal ſtatutes to *force* conſcience. They uſed no temporal puniſhments to *oblige* men to embrace their doctrine. They had not the aid of human power to ſpread the goſpel of Jeſus Chriſt. Nor did they need ſuch *unſuitable* and *ineffectual* means. *The weapons of their warfare were not carnal, but mighty through God.* Enriched with the knowledge of truth, and attended with the power of working miracles, as a Divine confirmation of the truth they taught, they went forth to bear a plain, faithful, and artleſs teſtimony, to the doctrines and facts reſpecting Jeſus Chriſt. By ſuch

means,

means, their doctrine had a rapid ſpread, not only without the aſſiſtance of *human* laws, but againſt the ſtrongeſt oppoſition from the powers of this world, and proved victorious over the prejudices, ignorance, idolatry, and vices of mankind. Thus were the firſt and *moſt pure* Chriſtian churches formed; and owed their exiſtence and ſupport, not to an *alliance* with human governments, but to the force of *Divine truth*, and the favourable co-operation of Heaven. If, therefore, the true genius of Chriſtianity be compared with that of human eſtabliſhments of it; or the *primitive* and *apoſtolic* mode of its propagation, be contraſted with the *means* employed to enforce *national conformity*, how wide and ſtriking muſt the difference appear? The *former* are all excellent, worthy of God, and ſuitable and *benevolent* to man; the *latter* inconſiſtent with his intellectual qualities, *cruel* and *deſtructive* in their operation, and *diſhonourable* to the civil governments and eccleſiaſtical conſtitutions, under which they have been uſed.

As Chriſtianity employs the moſt proper means of conviction, ſo it condemns a perſecuting and *impoſing* ſpirit, and the exerciſe of *authority in matters of religion.* When the Diſciples of Chriſt wiſhed for temporal puniſhment to fall on thoſe who did not receive him, the bene-

benevolent Saviour told them, *they knew not what ſpirit they were of*; and aſſured them, that he came *not to deſtroy mens lives, but to ſave them.* He taught his followers, that the moſt perfect *equality*, and *freedom of enquiry*, ſhould ſubſiſt amongſt them as *his ſubjects*, that they were all brethren, and though the kings of the Gentiles *exerciſed authority*, yet, that ſo it *ſhould not be among them.* Agreeably to his inſtructions, the Apoſtles themſelves, as men, diſclaimed *authority* over conſcience. They did not require perſons to ſurrender up the uſe of private judgment, or *tamely* ſubmit to their *mandates*, without enquiring for themſelves. On the contrary, they declared that they *had not dominion* over the faith of Chriſtians, but were fellow helpers of their joy. How utterly irreconcileable, therefore, with the doctrine of Chriſt, and the declaration and temper of his Apoſtles, are laws which *authoritatively* demand aſſent to *human creeds* and *liturgies*, and *puniſh* men for their refuſal. However theſe things may have been found *amongſt Chriſtians*, they *cannot* be found in *Chriſtianity itſelf*, but are contrary to it.

The benevolent *precepts* of the Goſpel, and the gentle ſpirit which it inculcates, equally condemns penal laws in religion. Far from encouraging the ſmalleſt degree of perſecution, Chriſ-

Chriſtianity commands its adherents to ſhew all *gentleneſs* towards all men, and in meekneſs to *inſtruct* thoſe who oppoſe themſelves. If any who profeſs it are overtaken with a fault, it requires his brethren to reſtore him, not by temporal *pains* and *penalties*, but in the ſpirit of meekneſs. It teaches its followers the *moſt pure* benevolence towards *all* mankind, requires them to *love* their enemies, and do *good*, not evil, to them that *hate* them. It commands them to do to others all things, whatſoever they would that others ſhould do to them. How incompatible then are the principle and ſpirit of all perſecuting religious ſtatutes, with the benevolent precepts of the Goſpel? Pure Chriſtianity, as it appears in the Scriptures, is a religion of peace and love, deſcended from Heaven to inſtruct and bleſs mankind. It is calculated to unite them in bonds of mutual forbearance, charity, and goodneſs, to eradicate from amongſt them all *injuſtice* and *oppreſſion*, and to dethrone civil and eccleſiaſtical tyranny, while it confirms and ſtrengthens *reaſonable* and *juſt* governments. In proportion, therefore, as the genuine *knowledge* and *influence* of it ſhall extend, it will extirpate both public and private injuries, improve and purify mankind, and render the world happy. It muſt then be ſomething very different from the gentle and benevolent ſpirit of the Goſpel, which firſt

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gave riſe to *penal* laws in religion; which changed the *paſtorial* ſtaff into a *deſtroying* ſword, and the *meek* and *holy* Guides of the Church into *furious* and *bloody* perſecutors. Such laws muſt have been intended to ſubſerve ſome *other* cauſe than that of Jeſus Chriſt, and to promote *other* intereſts than thoſe of *truth* and *virtue*. *Theſe*, indeed, could never be promoted by them. They are means which the truth and precepts of the Goſpel condemn, and which Chriſtian virtue abhors. Surely it is time, that Chriſtians in every nation ſhould unite in ſeeking, by peaceable methods, the abolition of perſecuting laws and edicts, and join their efforts to roll away the reproach, which their exiſtence has long affixed to the Chriſtian name!

SECT. VI.

CONSIDERATIONS of *policy*, as well as religion, may evince the impropriety of penal religious ſtatutes, and the neceſſity of their repeal. Political conſiderations generally have their full weight with Stateſmen and Legiſlators, and ought, undoubtedly, to be regarded, ſo far as they are conſiſtent with the ſtronger obligations of juſtice and goodneſs. In the preſent caſe, they unite with *theſe*, to ſtrengthen the argument againſt the penal laws. One of the *firſt* and

chief

chief objects of civil policy, is to afford *perſonal ſafety* and *protection* to peaceable and virtuous citizens, whoſe induſtry and commerce, trade and manufactures, add to the ſtrength and riches of the country. But penal ſtatutes in religion, inſtead of affording *ſecurity*, tend to *haraſs* and *diſtreſs* virtuous citizens. Inſtead of protecting and encouraging them, they are calculated to drive them into other nations and countries, where they may enjoy liberty of conſcience without diſturbance. To the preſent time France has felt *baneful effects*, and England and Holland have reaped *great* and *ſolid advantages* from the revocation of the Edict of Nantz. It is a branch of *good policy*, therefore, to countenance Toleration in its *full* extent, becauſe it operates *to promote* trade and commerce, arts and manufactures, the *reſources* of taxation, and of *national* force, ſafety, and honour. Whatever may be men's ſentiments in religion, their diligence and exertions in commerce are a public advantage. However falſe may be their creed, their *caſh* is ſterling, and a wiſe Stateſman, though he may not regard their opinions, ſhould regard their quota of the taxes, and protect them for the ſake of the *latter*, if not of the former.

To *ſtrengthen Government*, is another important object of civil policy. Factions, in proportion to their number and influence, weaken and embarraſs

embarraſs Governments, clog their operations, and leſſen their reſpectability and ſecurity. Every wiſe Stateſman will endeavour, therefore, to prevent or break factions, and aim to render the Government both *firm* and *reſpectable*. For this purpoſe, he will adopt meaſures which tend to conciliate the *affections* and *eſteem* of the nation, weaken the prejudices of parties, and render the Government, if poſſible, beloved by all orders and deſcriptions of men. No *ſingle meaſure*, perhaps, will produce theſe effects in ſo great a degree, as a *full* and *legal* Toleration. The hiſtory of mankind proves, that men are more tenacious of their *religious* than of their *civil* rights, provided they are both *equally* underſtood; and they will be ready to overlook many imperfections in a Government, which allows them the full enjoyment of the rights of conſcience. But, in any ſtate, laws which *proſcribe* and *perſecute* all but the adherents of the *eſtabliſhed* religion, muſt tend, according as their operation is felt, to alienate the affections of all who ſuffer by them from the Government, to ſow the ſeeds of animoſity and variance amongſt the people, to give the different and jarring ſectaries one common bond of union, and diſpoſe them, when opportunity offers, to join in a change. An impartial obſerver may ſee, that the troubles in the reign of Charles the Firſt had

had their origin in the *perſecuting laws* of Queen Elizabeth, as well as in the high notions of the prerogative on which that unfortunate Prince endeavoured to act. What injurious effects alſo were produced, by the perſecution of the Diſſenters in the reign of Charles the Second? How much diſaffection to the Government aroſe from them? What animoſities and party zeal did they cauſe amongſt the people, the remains of which, unhappily, are not eradicated to the preſent day? But if there are *no penal* religious ſtatutes exiſting in a ſtate, one great cauſe of diſaffection is removed. However numerous may be the ſects, or religious parties in it, none of them will give the Government the leaſt diſturbance. Enjoying full religious liberty, each perſon will *naturally* attend to his own particular concerns, and the nation will be *peaceable* and *happy*. Has not *this been*, in a great degree, the caſe in this country ſince the Revolution, through the *actual* liberty which has been enjoyed? Would it not then be *wiſe policy*, to *legalize* that liberty which has already, while poſſeſſed by *ſufferance*, been productive of ſuch happy conſequences?

To increaſe *national happineſs*, is a third important end of civil policy. The happineſs of the public, circumſtances of war or peace, commerce, riches, and civil conſtitution, being ſuppoſed the

ſame, will ever be in proportion to their *virtue*. Whatever tends to promote *virtue*, tends, in the ſame degree, to promote *happineſs*. But Toleration has an eminent tendence to improve public virtue, and conſequently happineſs. Beſides the ſcope which it gives to the abilities of men of every denomination of Chriſtians, to promote the intereſts of *morality*, and in *this*, ſurely, they are all agreed, it creates a *ſtimulus* which operates powerfully on the eſtabliſhed Clergy. Without a Toleration, an eſtabliſhed Clergy, ſecure in the enjoyment of emoluments and honours, would relax in their *zeal* and *induſtry* to *inſtruct* the people, become *vicious* themſelves, and render others ſo by their negligence and example. This is a natural effect of *riches* and *ſecurity* on human nature, and perhaps to this, as well as other cauſes, were owing the general profligacy, ignorance, and neglect of their duties, ſo notorious in the Romiſh Clergy before the Reformation. An oppoſition of intereſts creates emulation. And while there are numerous Diſſenters of different denominations, aiming to inſtruct multitudes in Chriſtian knowledge and practice, although all amongſt the Clergy may not be influenced by ſuch a fact, yet many, undoubtedly, will be excited by it, to a better diſcharge of their duty. Thus ſentiments favourable to virtue will be more diffuſed,

ſuſed, the people in general will receive more inſtruction, and as they become more *virtuous*, will be more *happy*. Is it not then ſound policy to repeal laws, which, if they had their *full* operation, would not only diſtreſs and puniſh honeſt, unoffending, and uſeful citizens, but make the Clergy *indolent*, and the people *vicious*?

But it may be aſked, if *civil* policy does not countenance the perſecuting ſtatutes; does not *eccleſiaſtical* policy juſtify their exiſtence, and require that they be perpetuated? To this it may be anſwered in the firſt place, that ſuch an objection cannot be urged by the friends of the Engliſh eſtabliſhment, without *yielding at once* the palm of victory, to the arguments of *Proteſtant* Diſſenters on the ſubjects of Church-government, and the nature of the kingdom of Chriſt. If penal religious ſtatutes are neceſſary for the *ſafety* and *preſervation* of the eſtabliſhment, it muſt then be ſomething different from *pure* and *undefiled* Chriſtianity. The Goſpel of Jeſus Chriſt is able to ſtand on its *own* evidence. His Church, built on the immoveable foundation of Divine truth, and ſupported by his providence, defies all oppoſition. The powers of earth and hell can never overthrow it, or *endanger* its exiſtence. The cauſe of God and *truth* needs not the *puny* aid of *human* laws for its defence, and can derive no honour from

them. To call *their* aſſiſtance to its ſupport, is to touch with *unhallowed* hands the ark of God! Every thing in religion muſt ſtand or fall by arguments drawn from *Scripture* and *reaſon*, and to ſay, that penal ſtatutes are neceſſary for the ſupport of the Church, is *virtually* to acknowledge, that its form and conſtitution *do not ſtand* on *this ground*, and that it owes its exiſtence and ſupport, *not* to its conformity to the *only* rule of faith and practice amongſt *Proteſtants*, the BIBLE, but to *obſolete* and *ſanguinary* Acts of Parliament.

But the objection itſelf is founded upon a miſtake: If by meaſures of *eccleſiaſtical* policy are intended, ſuch as conduce to the *ſafety* and *reſpectability* of the eſtabliſhed Church, it may be clearly proved, that the penal laws are not neceſſary to either of theſe ends. No human eſtabliſhment of religion can ever become *ſafe* or *reſpectable* by *intolerant* meaſures. *While* it *oppreſſes* and *perſecutes*, thoſe who *ſuffer* by it will be *irritated* to *oppoſe* it, not merely by arguments, but by other means, if in their power. This is a natural effect of *oppreſſion* on the human mind; it provokes reſiſtance. Such reſiſtance was *formerly* made againſt the Engliſh eſtabliſhment, in conſequence of its *oppreſſive* meaſures. Its own *intolerance* raiſed that ſtorm which overturned it in the laſt century, and the

Church

Church NEVER WAS SAFE, UNTIL THE PERSECUTION OF THE DISSENTERS CEASED. At no period has the Church enjoyed ſuch long and undiſturbed *repoſe*, nor poſſeſſed ſuch an high degree of *reſpectability* as through the preſent century. For *both*, ſhe has been indebted to the act of Toleration, and that moderate ſpirit, which has ſuſpended the *operation* of the penal laws, even as to thoſe againſt whom their *legal force* has been retained. And, other cauſes remaining the ſame, every *human* eſtabliſhment of religion will ever be ſecure and reſpected, in proportion as it countenances *Toleration*. No abilities, talents, or worldly honours, can render *reſpectable*, in any nation upon earth, a *band* of perſecutors. But, moderation commands reſpect, ſoftens prejudices, and buries former animoſities in oblivion. Theſe happy effects the Church has, in ſome meaſure, felt by her forbearance; but ſhe will never experience them *fully*, until ſhe exerts her influence to procure the revocation of ſuch perſecuting ſtatutes, as *formerly* operated to ſhake her own foundations, and render her deſpicable in the eyes of the reformed part of Europe.

If the penal religious ſtatutes be at all neceſſary for the ſafety and honour of the Church, they ought to be executed. What advantage or glory can ſhe derive from *obſolete* laws, ſup-

poſed to exiſt only on old duſty parchments, and not brought into *effect*. If they are in themſelves *good*, they ought to be put in force. If they are *not fit* to be executed, they *ought* to be repealed. If it be *politic* to retain them, it muſt be *politic* to execute them. If any *ſolid* reaſon could be aſſigned to juſtiſy their *exiſtence*, it would equally juſtify their *execution*. But it ſeems to be allowed, that the execution of ſuch ſtatutes, in the *preſent* day, would create general diſguſt and abhorrence. Even the moſt zealous and exalted friends of the eſtabliſhment diſavow ſuch perſecuting meaſures as they were intended to create, and aſſure us, that "The moderation "of the Church of England is her higheſt "boaſt, and brighteſt ornament." Church policy, as well as other cauſes, has long ſuſpended the operation of thoſe laws; why ſhould it not alſo procure their *repeal?* If it be proper, that ſuch a degree of *actual* liberty, as has been enjoyed by Proteſtant Diſſenters, ſhould be poſſeſſed by them, why ſhould it not be made *legal?* If it be *politic* that they ſhould *poſſeſs it*, how can it be *impolitic* to give them a *legal ſecurity* for its *poſſeſſion?* To retain perſecuting laws, *in terrorem*, would only tend to awaken ſuſpicion in the minds of all *impartial* judges, that ſuch profeſſions of moderation were not made with *ſincerity*; and that as the Church thought

thought proper to *keep* them, ſhe intended, at ſome fit opportunity, to make *uſe* of them. True maxims, however, of Church policy, ſhew, that their retention conduces neither to the *ſecurity*, nor to the *honour* of the eſtabliſhment, and vindicate the ſentiment of the great Lord Chatham, that "Sectaries were never injurious "or dangerous, but when they were perſecuted "by the ruling church."

SECT. VII.

It appears then, that penal ſtatutes in religion, will not bear the examination of reaſon, humanity, juſtice, chriſtianity, or true maxims civi or even eccleſiaſtical policy. It may therefore be aſked, "What has been the origin "of perſecution," ſeeing it cannot be juſtified on any of theſe principles, and yet *has* taken place, under all the forms of religion that have been patroniſed and *eſtabliſhed* by civilized ſtates? An impartial attention to the hiſtory of mankind will ſhew, that the true origin of *this* deſtructive practice, has always been, an *indiſcreet zeal* for human eſtabliſhments of religion, whether they were Pagan or Chriſtian, Popiſh or Proteſtant. Wherever men's *temporal* proſperity, honours, and emoluments, *have been connected* with an *eſtabliſhed* religion, they have had *another intereſt* to ſupport, *ſeparate* from the intereſt

of *truth* and *virtue*, and which they have often ſupported by means inconſiſtent with *both*. This has been a *common defect*, running through *all* human religious eſtabliſhments of every kind. If idolatry had not been the *eſtabliſhed* religion of the Roman Empire, it would not have perſecuted the primitive chriſtians. But the heathen prieſts were ſolicitous to *cruſh* the *harmleſs* diſciples of Jeſus, leſt the truth they taught, ſhould, in its influence, deſtroy their temples, their idols, and their *gain* together. If Conſtantine had not made a *civil eſtabliſhment* of chriſtianity, he would not have employed perſecuting meaſures againſt the Pagans. But *intereſt then* required, that idolatry ſhould be ſuppreſſed by force, leſt the temples ſhould be reſtored, and the *revenues* of the church *impaired*. If the orthdox and hetrodox, under the following Emperors, had not, each in their turn, ſought the patronage of the ſtate, and endeavoured to *eſtabliſh* their *own party*, they would not alternately have perſecuted one another. *Zeal for the eſtabliſhment* of their own tenets and *influence*, firſt lead profeſſing chriſtians to draw the blood of one another! The *ſame cauſe* continued, in after times, to produce the *ſame effect*. If *popery* had not been eſtabliſhed through Europe, the Albigenſes, and Valdenſes, and Lollards, would not have been perſecuted. A

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fear that *their pure* principles and practice, would, in time, weaken the *authority* of the Pope, and leſſen the *influence* and *riches* of the prieſthood, rouſed the thunder of the Vatican, and darted the lightning of eccleſiaſtical vengeance, on theſe unhappy ſufferers. Not the love of *virtue*, but of *power* and *riches*, kindled the flames of perſecution through Europe. The Marian perſecution here had the ſame origin. Not *pure* and *ſavage cruelty*, but a dread, leſt the principles of the reformation ſhould *regain* their influence in the kingdom, and the power and wealth of the *popiſh* clergy be loſt, gave birth to thoſe ſanguinary meaſures which brought the *venerable* Latimer, and *an hoſt* of other pious witneſſes to the ſtake. Happy would it have been for the credit of all proteſtants, if ſimilar cauſes had not operated amongſt them. But, if epiſcopacy had not been eſtabliſhed, the reign of Elizabeth had not *been diſgraced* by the perſecuting laws againſt the Puritans; nor Fox, the learned and laborious martyrologiſt, been *neglected* to *poverty* and *want*, becauſe of his ſcruples as to the habits, while his *acts and monuments* were ordered to be read in the *churches*. If Preſbyterianiſm had not been *eſtabliſhed* by the long Parliament, they would not have perſecuted the adherents of epiſcopacy; nor

nor would thoſe, who had juſt emancipated themſelves from oppreſſion, have become *immediately*, *oppreſſors* in their turn. If the preſent eſtabliſhment had not been made under Charles the Second, and uniformity of faith and worſhip *impoſed* upon *all* perſons, the ſanguinary laws, afterwards made, had not exiſted; nor *peaceable* and pious men, been *fined* and *impriſoned*, *impoveriſhed* and *deſtroyed*, for worſhipping God according to their conſciences. In all theſe caſes, not a zeal for *truth*, but zeal for an *eſtabliſhment*, produced effects, *baneful* and *deſtructive* to the peace and happineſs of mankind, which the faithful pen of hiſtory has recorded, to the everlaſting infamy of the reſpective times, and eccleſiaſtical conſtitutions, under which they took place. And this *zeal* was *indiſcreet* and intemperate. Human eſtabliſhments of religion, whether in themſelves *proper* or *improper*, may be *better* ſecured by lenient meaſures, as the hiſtory of this country ſince the Revolution abundantly proves.

May it not be hoped therefore, that ſuch *indiſcreet* zeal for their promotion will never be revived, but that the Legiſlature will concede to *Proteſtant* Diſſenters, a repeal of the penal ſtatutes ſtill in force againſt them, and the enjoyment of a *full* and *legal* Toleration? If, in

its wiſdom, the Roman Catholics are thought worthy of farther indulgence, why ſhould not the *Proteſtant* Diſſenters alſo be ſo conſidered. If it be ſatisfied, that thoſe diſaffected principles, which inſtigated the rebellions againſt the preſent reigning family, no longer exiſt amongſt *that* denomination, and of this the Legiſlature is the proper judge; no doubt, ſurely, can be entertained of the *fidelity* and *loyalty* of the *Proteſtant* Diſſenters, whoſe attachment to the Houſe of Hanover was always *unſhaken*, and has repeatedly appeared in the moſt diſtinguiſhed manner, and on the moſt *trying* occaſions.

It cannot *now* be *conſiſtently* ſaid, that the penal laws reſpecting Diſſenters ought not to be repealed, becauſe they are *eſſential* parts of the Conſtitution. No part of the Engliſh Conſtitution uſed to be conſidered more *eſſential* and *ſacred* than the laws againſt *popery*. They were long regarded as the palladium, if not of our liberties, at leaſt of the Proteſtant religion, and the *Proteſtant ſucceſſion*. Yet, it is now thought *juſt* and *expedient*, in a great degree, to repeal them. If, however, after ſuch a ſtep, *nothing* were to be done in favour of the *Proteſtant* Diſſenters, would it not give the world *juſt* reaſon to ſuſpect, that the church was more diſpoſed to favour the Roman Catholics, than her *fellow*

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Proteſtants? Or would it indeed be poſſible, in *that caſe*, for the moſt *unprejudiced* and *impartial* minds, to avoid ſuch a concluſion? For the *conſiſtency* of Government therefore, and the *credit* both of the eſtabliſhment and the nation, as well as for the *relief* of Diſſenters, it is to be wiſhed that the Honourable Senators, who have promoted the Catholic Bill, would direct their attention to the laws whereby Proteſtant Diſſenters either are, or might be aggrieved, and the neceſſity of their repeal.

SECT. VIII.

STILL it may be urged ſuch a repeal would be an INNOVATION. But, it ought to be remembered, that at any *former* period, under a Proteſtant government, no innovation would have been thought more *dangerous* than the repeal of the *popiſh* laws. Yet, in the preſent day, this meaſure is judged to be not only ſafe, but expedient and proper; and can it be leſs *proper or expedient*, that *full* liberty ſhould be granted to *Proteſtants?* It ought not to be forgotten alſo, that the penal religious ſtatutes were *themſelves innovations*, at the time they were introduced; innovations, which proved a ſource of much evil, but never produced any public benefit to the nation! Where then can

be

be the hazard of revoking laws, which have been found ſo improper and uſeleſs, that their execution has been long ago laid aſide?

Innovations, certainly, ought not to be made in the laws of a country, upon *trivial* or *ſlight* occaſions, or where no *valuable* end was likely to be attained by them. But, if *no evil* and *much good* may be derived from a meaſure, why ſhould it be rejected becauſe it is *new?* The world in general, and this nation in particular, is greatly indebted to *innovations.* Since the earth was peopled, every change favourable to *virtue, civilization,* and *happineſs,* has been an *innovation.* What great advantages, temporal and eternal, are derived to mankind, from the chriſtian religion? Yet the introduction of *chriſtianity* was an *innovation.* What great benefits do the *preſent* poſſeſſors of the Abbey-lands in this country receive from their fair eſtates? Yet the Reformation, and the abolition of the Monaſteries, to which they are indebted for them, were *innovations.* What invaluable advantages has Great Britain reaped from the expulſion of the houſe of Stuart, and the acceſſion of the houſe of Brunſwick to the throne? Yet the Revolution, and the introduction of the Hanoverian family, were *innovations.* Every new act of Parliament, and

every

every change in the Adminiſtration, is an *innovation.* But are new laws never to be made, nor Adminiſtrations altered? In ſhort, *innovation* may be an *Angel of peace*, to bring joy and happineſs to mankind, or a *Fiend of darkneſs*, the harbinger of *miſery* and *deſolation*, according, as new meaſures adopted, are *beneficial* or *injurious.* The *cry of innovation* then, however it may be the plea of the *crafty*, and the ſcarecrow of the *timid*, will have no weight in *great* and *wiſe* minds, who will not ſo much regard whether a meaſure be *new*, as whether it be JUST and GOOD.

Theſe qualities the repeal of penal religious ſtatutes would evidently poſſeſs. In the courſe of what has been here advanced to prove or illuſtrate the neceſſity of ſuch a repeal, nothing has been ſaid *deſignedly diſreſpectful*, nor ought any reflections, contained in the foregoing pages on the Penal Laws, to be conſidered as applicable to the preſent Governors of the church, inaſmuch as they have diſclaimed the *intolerant principles* on which they were founded. Nothing remains neceſſary, but that their profeſſions of moderation be confirmed by the abolition of thoſe laws.

The arguments in favour of *ſuch* a meaſure, are not the voice of party or intereſt, of diſguſt or

or prejudice, but the voice of reaſon, humanity, and juſtice, of revealed religion, and ſound policy. And that Legiſlature, which ſhall firſt wipe away this national diſgrace, and *eſtabliſh* harmony and peace, by *eſtabliſhing full* and *complete* religious liberty, will acquire a *degree* of *honour* never yet attained, even by a Britiſh Government, and be recorded in the annals of *immortal fame.*

THE END.

ERRATA.

Page 27, line 3, from the bottom, for *authority*, read *human authority.*

Page 28, line 2, from the bottom, for *condemns*, read *condemn.*

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